

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2293 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.JAIN

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge? No

HIRABHAI THAKORBHAI PATEL

Versus

COMPETENT AUTHORITY & ADDL. COLLECTOR

Appearance:

MR KK TRIVEDI for Petitioner

MR TH SOMPURA ASSTT. GOVT. PLEADER for Respondents

CORAM : MR.JUSTICE R.R.JAIN

Date of decision: 03/04/97

ORAL JUDGEMENT

The Petitioner - land owner submitted a Scheme under Section 21 (1) of the Urban Land (Ceiling and Regulation) Act, 1976 (hereinafter referred to as the said Act) to the Competent Authority on 9th August 1991 at Annexure-C. Despite lapse of five years, no decision

has been taken by the appropriate authority and therefore the petitioner has filed this petition.

2. Heard learned Advocate Mr.Trivedi for the Petitioner and learned Assistant Government Pleader Mr. Sompura for the respondents. There is no dispute that initially the land in question was granted exemption under Section 20 of the Act for non-agricultural use but later on vide order dated 18th July 1991 the same was cancelled under intimation to the petitioner as is evident from Annexue-A at page 23. Thereafter, within the prescribed period of limitation, the petitioner submitted Scheme under Section 21 read with Rule 11-B and the same has not been dealt with in accordance with law till today. It is true that the Competent Authority has been addressing communications to the petitioner as well as other authorities for providing some documents alleged to be relevant for the purpose of deciding the application under Section 21 (1) of the Act. Whether or not the documents required by the Competent Authority are relevant and necessary for the purpose of deciding the application is a question with which this court is not concerned at this stage. But was not prevented from disposing on the strength of material before him. However, the fact remains that the application remains not disposed of despite lapse of five years. The act of not disposing the application within reasonable period, on the fact of it, is arbitrary and unlawful adversely affecting the interests of the petitioner. Therefore, the petition is required to be allowed by issuing direction to the appropriate authority for deciding the application in accordance with law within a stipulated period. Accordingly, this petition is allowed. Respondent No.1 - Competent Authority and Additional Collector (ULC), Surat is hereby directed to decide the petitioner's application dated 8th August 1991 at Annexure-C under Section 21 (1) of the Act in accordance with law within a period of six weeks from the date of receipt of writ from this court. Rule is made absolute accordingly.

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